CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	U.S.
Luke Petrinovic		Squad #13	201609781	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Saturday, 11/26/2016 5:50 PM		Linden Boulevard and l	Fountain Avenue	75	5/26/2018	5/26/2018
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	e Received at CCI	RB
Mon, 11/28/2016 8:22 AM		CCRB	In-person	Mon, 11/2	28/2016 8:22 AM	[
Complainant/Victim	Type	Home Address				
Subject Officer(s)	Shield	TaxID	Command			
1. POM Stephan Carr	02540	948751	075 PCT			
2. POM David Oyague	01807	953159	075 PCT			
Officer(s)	Allegatio	on		Inv	estigator Recon	nmendation
A.POM Stephan Carr	Abuse: P § 87(2)(b)	O Stephan Carr stopped was an occupan	n			
B.POM David Oyague	Abuse: P § 87(2)(b)	O David Oyague stoppe was an occupan	ch			
C.POM Stephan Carr	Abuse: PO Stephan Carr issued a summons to § 87(2)(b)					

Case Summary

On November 28, 2016, Terrance [887(2)] filed this complaint in person with the CCRB. On November 26, 2016, at approximately 6:00 p.m., [887(2)] was driving alone in his gray 2007 Toyota Sienna heading westbound on Loring Avenue, in Brooklyn. He approached the intersection of Euclid Avenue and Loring Avenue, where he came to a full stop at a stop sign. After continuing through the intersection, he drove two more blocks until he was pulled over at the intersection of Fountain Avenue and Linden Boulevard by PO Stephan Carr and PO David Oyague of the 75th Precinct (Allegations A and B). PO Car issued him a moving violation summons for disobeying the stop sign at Euclid Avenue and Loring Avenue (Allegation C), and was released. The summons issued to [87(2)] had listed the wrong year of incident as November 26, 2017.

Video Footage

- \$87(2)(b) had two dashboard mounted video cameras recording the incident: one facing out his front windshield and one out his rear windshield. They recorded audio and video during the car stop. \$87(2)(b) explained in his interview that the time stamp on the footage is one hour ahead, as he had not changed it for daylight savings yet. The footage shows \$87(2)(b) coming to a full stop at a stop sign at the intersection of Loring Avenue and Euclid Avenue, prior to being stopped by a marked police car.
 - o Front facing camera:



Front facing camera.mp4

Rear facing camera:



Rear facing camera.mp4

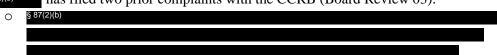
§ 87(2)(g)

Mediation, Civil and Criminal Histories

- Mediation was presented to \$87(2)(b) in person during his interview on November 26, 2016. He rejected it, \$87(2)(b)
- A request for any Notice of Claim related to this incident was sent to the New York City Comptroller's Office on January 25, 2017. No response has been received as of the date of this report (Board Review 01).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
 (Board Review 02).

Civilian and Officer CCRB Histories

has filed two prior complaints with the CCRB (Board Review 03):



Page 2

CCRB Case # 201609781

- § 87(2)(b)
- PO Carr has been the subject of three prior allegations of misconduct across three separate CCRB cases during his six year tenure with the NYPD. One of the allegations concerned an improper search of a person, and it was closed without an investigation. None of the allegations made against PO Carr have been substantiated (Board Review 04).
- PO Oyague has been the subject of five previous allegations of misconduct across two CCRB cases during his four year tenure with the NYPD. Two of these allegations have been substantiated (Board Review 05):
 - o In case 201605625, PO Oyague was found to have made an improper threat of arrest and refused to process a civilian complaint of police misconduct. In this case, PO Oyague was also found to have provided a false official statement. The CCRB recommended a command discipline and the NYPD has yet to reach a disposition on this case.

Findings and Recommendations

Allegations not pleaded

•	§ 87(2)(b)	§ 87(2)(g)

Allegation A – Abuse of Authority: PO Stephan Carr stopped the vehicle in which

§ 87(2)(b) was an occupant.

Allegation B – Abuse of Authority: PO David Oyague stopped the vehicle in which was an occupant.

Allegation C – Abuse of Authority: PO Stephan Carr issued a summons to stated that he came to a full stop at the stop sign at the intersection of Euclid Avenue and Loring Avenue, and then was pulled over and issued a summons for disobeying that stop sign (Board Review 06). Despite the fact that he was interviewed less than two months after the incident date, PO Carr could not recall the stop, even after reviewing the summons that he wrote strain the video footage of the incident; however, he did identify himself as one of the officers in the video. He could not explain why he stopped strain despite that the footage showed strain why the summons (Board Review 09) he issued to strain the date of the incident as November 26, 2017, a date that has not yet occurred, and he stated that it was an error (Board Review 07).

PO Oyague stated that he and PO Carr observed [807(2)(6)] run the stop sign, and then stopped him for it. PO Carr wrote him a summons. PO Oyague could not recall any additional details, such as where he had observed the infraction from. He was unable to explain why the Page 3

CCRB Case # 201609781

and Loring Ave himself in the v The vid intersection two location and too they clearly sho	nue, but confirmed that thideo (Board Review 08). teo footage shows that \$870	came to a full stod over. On January 20, 20, 20, when matched with the vio	p at the stop sign at an 016, the Field Team visited leo provided by \$87(2)(5)	this
Squad:				
Investigator:				
	Signature	Print	Date	
Squad Leader:				
Squad Deuder.	Title/Signature	Print	Date	
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Reviewer:	Title/Signature	Print	Date	

Page 4

CCRB Case # 201609781